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09/521,527	03/08/2000	Didier Leturcq	ORT1199	1068

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1644	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on **12/15/03** is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other_____

☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other_____

☐ 3. Amendments to the drawings: _____

☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
- ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ E. Other: new text needs to be underlined

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf .

If the non-compliant amendment is a **PRELIMINARY AMENDMENT,** applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE),** and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION,** this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

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Legal Instruments Examiner (LIE) — Telephone No.

Rev. 10/03

1. (Currently Amended) A method of isolating human CD8+ cells which comprises the steps of:

(a) contacting a sample of isolated peripheral mononuclear blood cells with a first antibody which specifically binds to ~~the sequence~~ an epitope comprising AAEGLDTQRFSG (SEQ ID NO:1) ~~or portion thereof~~, on CD8 molecules present on the surface of human CD8+ cells but does not activate the CD8+ cells once bound thereto, under conditions permitting the formation of a first complex between CD8+ cell and first antibody;

new, should be underlined

(b) separating from the sample any first antibody not present in the ~~resulting~~ first complex;

(c) contacting the sample with ~~a second,~~ an immobilized second antibody which specifically binds to the first antibody in the first complex, under conditions permitting the formation of an immobilized second complex between the first complex and the second antibody, thereby immobilizing the CD8+ cells present in the sample;

(d) separating ~~from~~ the ~~resulting~~ immobilized second complex from ~~the cells present in~~ the sample ~~which were not immobilized in step (c)~~;

(e) contacting the immobilized second complex ~~under suitable conditions~~ with an agent, which under suitable conditions causes ~~the~~ dissociation of the second complex into CD8+ cells and an immobilized third complex between the first antibody and second antibody; and

(f) separating the immobilized third complex from the CD8+ cells, thereby isolating the CD8+ cells.

3. (Original) The method of claim 1, wherein the first antibody is a monoclonal antibody.

4. (Original) The method of claim 3, wherein the monoclonal antibody is produced by a hybridoma cell line selected from the group consisting of the cell line designated 37B1 (ATCC Accession No. HB-12441) and the cell line designated 8G6 (ATCC Accession No. HB-12657).

5. (Original) The method of claim 1, wherein the immobilized second antibody comprises an antibody operably affixed to a magnetic bead.

6. (Currently Amended) The method of claim 1, wherein the agent which causes the dissociation of immobilized third complex is the polypeptide designated CD8-3 ~~and~~ having the amino acid sequence AAEGLDTQRFSG (SEQ ID NO:1).